

## Coast Guard, DHS

## § 151.2010

by the COTP at the time of the request and must discharge the vessel's ballast water within that designated area.

### § 151.1516 Compliance monitoring.

(a) The master of each vessel equipped with ballast tanks shall provide, as detailed in §151.2040, the following information, in written form, to the COTP:

(1) The vessel's name, port of registry, and official number or call sign.

(2) The name of the vessel's owner(s).

(3) Whether ballast water is being carried.

(4) The original location and salinity, if known, of ballast water taken on, before an exchange.

(5) The location, date, and time of any ballast water exchange.

(6) The salinity of any ballast water to be discharged into the territorial waters of the United States.

(7) The intended discharge port for ballast water and location for disposal of sediment carried upon entry into the territorial waters of the United States, if ballast water or sediment are to be discharged.

(8) The signature of the master attesting to the accuracy of the information provided and certifying compliance with the requirements of this subpart.

(b) The COTP may take samples of ballast water to assess the compliance with, and the effectiveness of, this subpart.

[CGD 91-066, 58 FR 18334, Apr. 8, 1993, as amended by USCG-1998-3423, 66 FR 58391, Nov. 21, 2001; USCG-2002-13147, 69 FR 32869, June 14, 2004]

### § 151.1518 Penalties for failure to conduct ballast water management.

(a) A person who violates this subpart is liable for a civil penalty in an amount not to exceed \$27,500. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subpart for that violation.

(b) A person who knowingly violates the regulations of this subpart is guilty of a class C felony.

[USCG-2002-13147, 69 FR 32869, June 14, 2004]

## Subpart D—Ballast Water Management for Control of Non-indigenous Species in Waters of the United States

AUTHORITY: 16 U.S.C. 4711; Department of Homeland Security Delegation No. 0170.1.

SOURCE: USCG-1998-3423, 64 FR 26682, May 17, 1999, unless otherwise noted.

### § 151.2000 What is the purpose of this subpart?

This subpart implements the provisions of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA) (16 U.S.C. 4701-4751), as amended by the National Invasive Species Act of 1996 (NISA).

### § 151.2005 To which vessels does this subpart apply?

Unless exempted in §151.2010 or §151.2015, this subpart applies to all vessels, U.S. and foreign, equipped with ballast tanks, that operate in the waters of the United States and are bound for ports or places in the United States.

[USCG-2002-13147, 69 FR 32869, June 14, 2004]

### § 151.2007 What are the penalties for violations of the mandatory provisions of this subpart?

(a) A person who violates this subpart is liable for a civil penalty not to exceed \$ 27,500. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subpart for that violation.

(b) A person who knowingly violates the regulations of this subpart is guilty of a class C felony.

[USCG-2002-13147, 69 FR 32869, June 14, 2004]

### § 151.2010 Which vessels are exempt from the mandatory requirements?

(a) Two types of vessels are exempt from the requirements in §§151.2035, 151.2040, and 151.2045:

(1) A crude oil tanker engaged in the coastwise trade.

(2) A Department of Defense or Coast Guard vessel subject to the requirements of section 1103 of the Act, or any vessel of the Armed Forces, as defined in the Federal Water Pollution Control